

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

LIGHTING BALLAST CONTROL LLC,

Plaintiff,

v.

UNIVERSAL LIGHTING TECHNOLOGIES,
INC.,

Defendant.

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CIVIL ACTION NO. 7:09-CV-00029-O

JURY TRIAL DEMANDED

PLAINTIFF'S FED.R.CIV.P. 26(a)(3)(A) PRETRIAL DISCLOSURES

Pursuant to the Court's December 27, 2010 Final Scheduling Order, Plaintiff makes the following Pretrial Disclosures:

Fed.R.Civ.P. 26(a)(3)(A)(i): The name and, if not previously provided, the address and telephone number of each witness — separately identifying those the party expects to present and those it may call if the need arises:

Plaintiff expects to present the following witnesses at the trial of this matter:

Andrzej Bobel
640 Leland Court
Lake Forest, Illinois 60045
847.735.8330

Mark Gallagher
Duff & Phelps
One Atlantic Center
1201 W. Peachtree Street, Suite 1700
Atlanta, Georgia 30309
678.916.2581

Edward W. Goldstein
Goldstein & Vowell, L.L.P.
1177 West Loop South, Suite 400
Houston, TX 77027
713.877.1515

Victor Roberts
Roberts Research & Consulting, Inc.
3 Garrison Road
Burnt Hills, NY 12027
518.399.4952

Regan Zane (in rebuttal)
Department of Electrical, Computer, and Energy Engineering
University of Colorado
Boulder, CO 80309-0425
303.735.1560

Plaintiff may call the following witnesses at the trial of this matter:

Clayton Haynes
c/o Friedman, Suder & Cooke
604 E. Fourth Street, Suite 200
Fort Worth, Texas 76102
817.334.0400

Corporate representative(s) of Defendant ULT
c/o Steve Routh et al
Orrick, Herrington & Sutcliffe LLP
1152 15th Street, N.W.
Washington, DC 20005
202.339.8400

Jonathan T. Suder
Friedman, Suder & Cooke
604 E. Fourth Street, Suite 200
Fort Worth, TX 76102
817.334.0400
(post trial attorney's fees, if necessary)

David A. Skeels
Friedman, Suder & Cooke
604 E. Fourth Street, Suite 200
Fort Worth, TX 76102
817.334.0400
(post trial attorney's fees, if necessary)

Fed.R.Civ.P. 26(a)(3)(A) (ii): The designation of those witnesses whose testimony the party expects to present by deposition and, if not taken stenographically, a transcript of the pertinent parts of the deposition:

Mark Patterson
Wadley and Patterson, PC
Roundabout Plaza, Suite 500
1600 Division Street
Nashville, TN 37203
615.242.2400

Tom Poehlman
c/o Steve Routh et al
Orrick, Herrington & Sutcliffe LLP
1152 15th Street, N.W.
Washington, DC 20005
202.339.8400

Clayton Haynes
c/o Friedman, Suder & Cooke
604 E. Fourth Street, Suite 200
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817.334.0400

Mark Dilling
c/o Steve Routh et al
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202.339.8400

David Reismeyer
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Orrick, Herrington & Sutcliffe LLP
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202.339.8400

Fed.R.Civ.P. 26(a)(3)(A) (iii): An identification of each document or other exhibit, including summaries of other evidence — separately identifying those items the party expects to offer and those it may offer if the need arises.

Items Plaintiff expects to offer:

| No | Description |
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| 1 | U.S. Patent 5,436,529 (Deposition Exhibit No. 4) |
| 2 | File history relating to U.S. Patent No. 5,436,529 (LBC000357-486) |
| 3 | Plaintiff's Original Complaint |
| 4 | Answer and Counterclaim of Universal Lighting Technologies, Inc. |
| 5 | Universal Lighting Technologies, Inc.'s Amended Answer, Affirmative Defenses and Counterclaim |
| 6 | 09.14.05 letter from Thomas W. Tolpin to Patrick A. Sullivan (Deposition Exhibit No. 31; PATTERSON000013-14) |
| 7 | 10.07.05 letter from Mark Patterson to Thomas W. Tolpin (Deposition Exhibit No. 55; PATTERSON000018-19) |
| 8 | 10.20.05 letter from Thomas W. Tolpin to Mark J. Patterson (Deposition Exhibit No. 33; PATTERSON000023-32) |
| 9 | 08.08.06 E-Mail from Mark Patterson to Thomas W. Tolpin (Deposition Exhibit No. 58; PATTERSON000004) |
| 10 | 08.08.06 E-Mail from Mark Patterson to Timothy Gurin (Deposition Exhibit No. 57; PATTERSON000003) |
| 11 | 08.15.06 E-Mail from Andrew Bobel to Timothy Gurin; 08.16.06 E-Mail from Timothy Gurin to Mark Patterson (Deposition Exhibit No. 59; PATTERSON000006-12) |
| 12 | 10.05.06 E-Mail from Mark Patterson to Andrew Bobel (Deposition Exhibit No. 34; PATTERSON000001) |
| 13 | 08.08.08 Exclusive License Agreement between Andrzej Bobel and Acacia Patent Acquisition LLC (Deposition Exhibit No. 13; LBC000001-12) |
| 14 | 10.22.08 Assignment and Assumption Agreement between Andrzej Bobel and Acacia Patent Acquisition LLC (Deposition Exhibit No. 29; LBC000537-538) |
| 15 | 04.32.09 Addendum to the Assignment and Assumption Agreement between Acacia Patent Acquisition LLC and Lighting Ballast Control LLC (Deposition Exhibit No. 30; LBC001607) |
| 16 | List of Accused ULT Products |
| 17 | Notebook of infringement charts for each accused product along with supporting schematics, wiring diagrams, component parts lists, product catalogs, microprocessor code and other product information |
| 18 | ULT Patents that Cite the '529 Patent |
| 18.1 | United States Patent No. 7,432,660 B2 |
| 18.2 | United States Patent No. 7,239,094 B2 |

| No | Description |
|-------|--|
| 18.3 | United States Patent No. 7,132,803 B2 |
| 18.4 | United States Patent No. 7,098,608 B2 |
| 18.5 | United States Patent No. 7,098,607 B2 |
| 18.6 | United States Patent No. 7,098,606 B2 |
| 18.7 | United States Patent No. 7,015,652 B2 |
| 18.8 | United States Patent No. 6,291,944 B1 |
| 18.9 | United States Patent No. 6,274,987 |
| 18.10 | United States Patent No. 5,635,799 |
| 18.11 | United States Patent No. 5,747,941 |
| 19 | Summary List of Other ULT Patents |
| 20 | 1996-1997 Bryce Hesterman Laboratory Notebook (ULT039240-39253) |
| 21 | 07.11.92 Agreement between Robertson Transformer Company and Andrzej Bobel (Deposition Exhibit No. 36; LBC000056 to LBC000061) |
| 22 | 05.12.94 Agreement between Robertson Transformer Co. and Andrzej Bobel (Deposition Exhibit No. 37; LBC000134 to LBC000142) |
| 23 | 07.28.97 Agreement between LEB Electronics (Shanghai) Co., Ltd. and Practical Innovations, Inc. (Deposition Exhibit No. 18; LBC001972-1994) |
| 24 | 11.31.98 Amendment between Technical Consumer Products, Inc. and Practical Innovations, Inc. (Deposition Exhibit No. 39; LBC002059) |
| 25 | 03.01.00 Agreement between Technical Consumer Products, Inc. and Practical Innovations, Inc. (Deposition Exhibit No. 40; LBC000173 to LBC000186) |
| 26 | 05.23.01 Agreement between Technical Consumer Products, Inc. and Practical Innovations, Inc. (Deposition Exhibit No. 41; LBC000187 to LBC000195) |
| 27 | 09.30.01 Amended and Restated License Agreement between Practical Innovations, Inc. and Technical Consumer Products, Inc. (Deposition Exhibit No. 42; LBC000196 to LBC000205) |
| 28 | 04.10.04 First Amendment to Amended and Restated License Agreement between Andrzej Bobel and Technical Consumer Products, Inc. (Deposition Exhibit No. 43; LBC000252 to LBC000256) |
| 29 | 07.30.08 Patent License Agreement between Andrzej Bobel a/k/a Andrew Bobel and Osram Sylvania Products, Inc. (Deposition Exhibit No. 48; LBC000237 to LBC000240) |
| 30 | 09.09.08 License Agreement between Neptun Lighting, Inc. and Andrzej Bobel (Deposition Exhibit No. 46; LBC000071 to LBC000080) |
| 31 | 11.21.08 Amendment to License Agreement between Neptun Light, Inc. and Andrzej Bobel (Deposition Exhibit No. 47; LBC000069 to LBC000070) |
| 32 | 07.10.09 Non-Exclusive Patent License and Settlement Agreement between Lighting Ballast Control LLC and General Electric Co. (Deposition Exhibit No. 51; LBC001953 to LBC001965) |

| No | Description |
|----|---|
| 33 | 12.14.09 Non-Exclusive Patent License and Settlement Agreement between Lighting Ballast Control LLC and Fulham Co., Inc. (Deposition Exhibit No. 50; LBC001942 to LBC001952) |
| 34 | 07.20.10 Non-Exclusive Patent License and Settlement Agreement between Lighting Ballast Control LLC and Koninklijke Philips Electronics N.V. (Deposition Exhibit No. 49; LBC002337 to LBC002351) |
| 35 | ULT Sales Volume and Revenue January 10 2011 (2).xlsx ULT Sales Volume and Revenue January 10 2011.xlsx ULT Sales Volume and Revenue_12.20.2010.xlsx Any other updated or supplemental revenue figures that may be produced in this case. Revenue Numbers through 11.30.10 (Deposition Exhibit 65) |
| 36 | ULT Financial Statements (ULT036489, ULT036497, ULT036502, ULT038635, ULT038637, ULT038641, ULT038643, ULT038645) |
| 37 | Plaintiff's Emergency Motion to Modify Amended Scheduling Order |
| 38 | Defendant Universal Lighting Technologies Inc.'s Response to Plaintiff's Motion to Modify Amended Scheduling Order |
| 39 | Meet and Confer Order dated 12.10.10 |
| 40 | 12.22.10 letter from Diana Szego to David Skeels transmitting ULT's document production ULT038559 to ULT039374 |
| 41 | Schedules attached to the expert witness report of Mark Gallagher (Appendix C) |
| 42 | Magnetek, Inc. 1998 Form 10 |
| 43 | Magnetek, Inc. 1999 Form 10 |
| 44 | Universal Lighting Technologies Product Group Overview (ULT029702 – 29753) |
| 45 | MagneTek Project Business Plan (ULT000283 – 285) |
| 46 | U.S. Patent No. 5,729,096 |
| 47 | Littlejohn & Co., LLC Acquires Universal Lighting Technologies http://www.littlejohnllc.com/newsarticle.asp?newsid=37 |
| 48 | Littlejohn & Co. Announces Sale Of Universal Lighting Technologies, Inc. http://www.littlejohnllc.com/newsarticle.asp?newsid=50 |
| 49 | Matsushita Electric Becomes Panasonic Corporation http://panasonic.co.jp/corp/news/official_data/data.dir/en081001-4/en081001-4.html |
| 50 | “End of Life Operation of Small Diameter (5/8 inch Diameter or Less) Pin-based Fluorescent Lamps,” NEMA, July 21, 1998, p. 4. http://download.www.techstreet.com/cgi-bin/pdf/free/807751/NEMA_LSD_21-1998_(R2002).pdf |
| 51 | http://www.michigangasutilities.com/business/esource/DisplayESource.aspx?page=_escrc_0013000000DP22YAAT-_BEA1_PA_PA_Lighting_PA-12.html |
| 52 | “Efficient Lighting” http://eetd.lbl.gov/l2m2/lighting.html |
| 53 | “Electronic Ballasts: Market Forces and Demand Characteristics: Fifth Edition” http://www.prlog.org/10191355-electronic-ballasts-market-forcesand-demand-characteristics-fifth-edition.html |
| 54 | Triad Compact Fluorescent Ballasts http://www.unvlt.com/literature/flyers/CFL.pdf |
| 55 | “NEMA Ballast Section” www.nema.org/prod/lighting/ballasts/ |

| No | Description |
|----|--|
| 56 | National Electrical Manufacturers Association documents, including but not limited to Application Note: Wiring Requirements for T-8 Lamps with Instant-start Ballasts |
| 57 | NEMA LSD 21-1999 (R2002) American National Standards Specifications including, but not limited to ANSI_IEC C78.81—2005 |
| 58 | NEMA LSD 21-1999 (R2002) American National Standards Specifications including, but not limited to ANSI_IEC C78.901—2005 |
| 59 | Data Sheets Notebook (Deposition Exhibit 96 plus missing section number 10) |
| 60 | NXP UBA2021 IC Driver Product data sheet |
| 61 | ST Microelectronics ST7 Family Programming Manual |
| 62 | ST Microelectronics ST7LITE0xY0 data sheet |
| 63 | ULT B254PUNV-D Application and Performance Specification |
| 64 | United States Patent No. 7,486,029 B2 |
| 65 | IEEE Dictionary definitions |
| 66 | Electric Discharge Lamps, John F. Waymouth, The M.I.T. Press, Cambridge, MA 1971 [book] |
| 67 | Electronic and Radio Engineering, Fredrick E. Terman, McGraw-Hill, New York, 1955 [book] |
| 68 | Electronic ballast chip set with integral power FETs, Moriarty, J.K., Jr., Truax, T.E., Conference Record of the 1995 IEEE Industry Applications Conference, Volume: 3, Page(s): 2090 – 2097, 1995 |
| 69 | Improved simulation accuracy and reduced design time for electronic ballast designs which incorporate fixed frequency controller ICs, Yiyong Sun; Conference Record of the 1996 IEEE Industry Applications Conference, Volume: 4, Page(s): 2183 - 2188 vol.4 1996. |
| 70 | Robertson Product Information – Lamp End-of-Life Circuit Protection, LCP-R10.97 (LBC001248) |
| 71 | Invoices for Translation Services (Patterson000051 to 52) |
| 72 | Ballast Navigator (Deposition Exhibit 78) http://www.unvlt.com/literature/navigator/pdfs/Navigator.pdf |
| 73 | Bobel conception documents (LBC001797 to LBC001799; LBC001814 to LBC001815; LBC001819 to LBC001820; LBC001822) |
| 74 | 03.05.99 letter from Robertson to Bobel (LBC000016) |
| 75 | Demonstrative exhibits, including enlarged images of Figs. 1, 2 and/or 3 of the '529 Patent, enlarged images of ULT product schematics, enlarged images from ULT's claim construction technical tutorial (Appendix pages 17-28 attached to ULT's claim construction brief), enlarged images from Advance's "The ABC's of Electronic Fluorescent Ballast Performance" and/or enlarged images of graphics from expert report of Dr. Victor Roberts |
| 76 | Sample ballasts and fluorescent lamps, including exemplar ULT ballasts and Robertson ballasts including those made available for ULT's inspection at Mr. Bobel's deposition |
| 77 | 06.21.02 ULT license agreement with TridonicAtco (Deposition Exhibit 75) |
| 78 | LBC's chain of title documents (LBC001620 to LBC001621) |

| No | Description |
|----|--|
| 79 | Robertson documents (LBC001853; LBC001928 to LBC001929; LBC002351 to LBC002353; LBC002366) |
| 80 | Termination of Robertson license (LBC001969 to LBC001971) |
| 81 | ULT Customer List (Deposition Exhibit 62) |
| 82 | Product specifications and business plans (Deposition Exhibits 66 and 67) |
| 83 | Curriculum Vitae of Dr. Victor Roberts |
| 84 | Curriculum Vitae of Dr. Regan Zane |
| 85 | Curriculum Vitae of Mark Gallagher |
| 86 | Test results and/or oscilloscope readout for C242UNV, as shown in Dr. Roberts' supplemental expert report of 02.17.11. |

Items Plaintiff may offer if need arises:

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| 87 | Non-ULT patents that cite the '529 patent |
| 88 | Excerpts from ULT engineering notebooks, including ULT031026 to ULT031027 and ULT031083 |
| 89 | LBC's interrogatory answers and amended/supplemental interrogatory answers, including all exhibits and documents attached thereto or referenced therein |
| 90 | 09.22.08 Acacia Press Release (LBC001101) |
| 91 | Mr. Bobel's 1992 – 1993 engineering notebook (Deposition Exhibit 5) |
| 92 | Additional file history for application no. 11,971 (Deposition Exhibit 7) |
| 93 | ULT's Responses to Plaintiff's First and Second Requests for Production |
| 94 | 02.08.11 letter from Jon Suder to Steve Routh (appendix page 805 filed in support of Plaintiff's Response to Defendant's Motion for Summary Judgment) |
| 95 | 01.13.11 email from Diane Szego to David Skeels (appendix pages 852 through 853 filed in support of Plaintiff's Response to Defendant's Motion for Summary Judgment) |
| 96 | Email exchange of 01.28.11 and 02.02.11 between Diane Szego and David Skeels (appendix pages 855 through 858 filed in support of Plaintiff's Response to Defendant's Motion for Summary Judgment) |
| 97 | Any and all documents that may be necessary or appropriate for rebuttal purposes, including any and all documents reviewed by Drs. Roberts or Zane or by Mr. Gallagher or Mr. Goldstein, and including any pleadings on file with the Court. |
| 98 | Additional demonstratives that may be developed between now and trial |

Plaintiff reserves the right to present evidence pursuant FRE 1006 or as the Court may otherwise permit.

Dated: April 8, 2011.

Respectfully submitted,

/s/ Jonathan T. Suder
State Bar No. 19463350
David A. Skeels
State Bar No. 24041925
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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of April, 2011, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Northern District of Texas, Wichita Falls Division, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Jonathan T. Suder

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